

**Assembly Bill No. 60**

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Passed the Assembly     September 14, 2002

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*Chief Clerk of the Assembly*

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Passed the Senate     September 14, 2002

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2002, at \_\_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

Second enrollment



## CHAPTER \_\_\_\_\_

An act to amend Sections 1653.5, 12800, 12801, 12801.5, and 12801.8 of, and to add Section 15201.1 to, the Vehicle Code, relating to the Department of Motor Vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

AB 60, Cedillo. Vehicles: social security number: driver's licenses: identification cards.

(1) Under existing law, every form prescribed by the Department of Motor Vehicles for use by an applicant for the issuance or renewal by the department of a driver's license or identification card is required to contain a section for the applicant's social security account number.

This bill , additionally, would provide for inclusion of a federal taxpayer identification number.

(2) Existing law requires the department to require every application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by the department.

This bill would revise these provisions to specify that if an applicant submits an affidavit signed under penalty of perjury, that he or she does not possess a social security number, and submits a federal taxpayer identification number, or other identifier, that is determined appropriate by the department, the submission of those documents shall be acceptable to the department until the applicant obtains a social security number. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program. This bill would prohibit the department from completing any application for a driver's license that does not include the applicant's social security number or the described affidavit and identifier document.

The bill also would require the department to require every applicant for an original driver's license or identification card, at the time of submission of the application, to establish his or her lawful immigration status or that the applicant's presence in the United States is authorized under federal law, as specified, or show, by documentation, as specified, that an application or petition for lawful immigration status or extension of legal



presence, as specified, has been initiated on the applicant's behalf, or for another person whereby the applicant would be a derivative beneficiary.

The bill would require the department to issue a driver's license or identification card having a duration of 3 years to an applicant who complies with the above and who does not have a social security number or is in the process of obtaining lawful immigration status from the United States Immigration and Naturalization Service.

The bill would require the department to adopt implementing regulations.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1653.5 of the Vehicle Code is amended to read:

1653.5. (a) Every form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for either the applicant's social security account number, or, if the driver's license or identification card is issued pursuant to Section 12801, a federal taxpayer identification number.

(b) Every form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) Any person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number or federal taxpayer identification number, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.



(d) The department shall not complete any application that does not include the applicant's social security account number, federal taxpayer identification number, or driver's license or identification card number as required by subdivision (c).

(e) An applicant's social security account number or federal taxpayer identification number shall not be included by the department on any driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other provision of law, information regarding an applicant's social security account number or federal taxpayer identification number, obtained by the department pursuant to this section, is not a public record and shall not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration and nontax debt collection.

SEC. 2. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for an original or a renewal of, a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and, except as provided in Section 12801, a social security number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether



or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by any condition which may bring about recurrent lapses, or whether the applicant has any disease, disorder, or disability which affects ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 3. Section 12801 of the Vehicle Code is amended to read:

12801. (a) (1) Notwithstanding any other provision of law, the department shall require every application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by the department.

(2) If an applicant signs an affidavit under penalty of perjury attesting that he or she does not possess a social security number and submits a federal taxpayer identification number or other identifier, that is determined to be appropriate by the department, the submission of those documents shall be acceptable to the department in lieu of a social security number until the applicant obtains a social security number. Upon obtaining a social security number, the applicant shall provide the social security number pursuant to paragraph (1).

(3) The department shall not complete any application for a driver's license that does not include the applicant's social security number or an affidavit and document pursuant to paragraph (2).

(4) The department shall require proof of identity acceptable to the department prior to completing an application for a driver's license or identification card.



(b) Notwithstanding any other law, no information relating to social security numbers collected on a driver's license application shall be displayed on any registration, certificate of title, or any other document issued by the department, or on the identification card or on the driver's license, including, but not limited to, inclusion on any magnetic tape or strip used to store data on the license or identification card.

(c) (1) The department also shall require every applicant for an original driver's license or identification card, at the time of submitting the application, to do either of the following:

(A) Establish his or her lawful immigration status or that the applicant's presence in the United States is authorized under federal law.

(B) Show by documentation acceptable to the department that an application or petition for lawful immigration status or extension of legal presence has been initiated by the applicant or by another person on the applicant's behalf. For these purposes, the applicant may produce evidence to the department that an application or petition for lawful immigration status or extension of legal presence has been initiated for another person whereby the applicant would be a derivative beneficiary.

(2) For purposes of subparagraph (B) of paragraph (1), documentation status may include any of the following:

(A) A receipt from the United States Immigration and Naturalization Service stating that an application or petition has been submitted.

(B) An approval notice from the United States Immigration and Naturalization Service stating that an application or petition has been received.

(C) An application for an extension of I-94 to extend an applicant's legal presence.

(3) The following documents are acceptable applications or petitions for purposes of subparagraphs (A) and (B) of paragraph (2):

(A) Petition for Alien Relative (I-130).

(B) Immigrant Petition for Alien Worker (I-140).

(C) Petition for Amerasian, Widow(er), or Special Immigrant (I-360).

(D) Application to Register Permanent Residence or to Adjust Status (I-485).



(E) Immigrant Petition By Alien Entrepreneur (I-526).

(F) Application for Asylum (I-589).

(G) Registration for Classification as a Refugee (I-590).

(H) Application to Adjust Status from Temporary to Permanent Resident (I-698).

(I) Application for Voluntary Departure Under the Family Unity Program (I-817).

(J) Application for Temporary Protected Status (I-821).

(K) Nicaraguan and Central American Relief Act-Suspension of Deportation or Application for Special Rule Cancellation of Removal (I-881).

(L) Application for an extension of a I-94.

(M) Any other federal documentation used to obtain lawful immigration status.

(d) Notwithstanding Sections 12814, 12814.5, and 13002 or any other provision of law, upon submitting the signed affidavit and document described in paragraph (2) of subdivision (a), an applicant who does not have a social security number and is in the process of obtaining lawful immigration status from the United States Immigration and Naturalization Service shall be issued a driver's license or identification card having a duration of three years.

(e) (1) Notwithstanding any other provision of law, neither the department, nor its agents or employees, shall disclose any information about an applicant's social security number, absence of a social security number, or any other information collected pursuant to this section, to any public or private entity, except as permitted by federal or state law.

(2) Paragraph (1) does not apply to information described in paragraph (1) that is disclosed by the department in response to information requests for either of the following:

(A) The Franchise Tax Board for the purpose of tax administration and nontax debt collection.

(B) An agency operating pursuant to, and carrying out the provisions of, Part A (commencing with Section 601) of, or Part D (commencing with Section 651) of, Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(f) The department shall adopt regulations to carry out the purposes of this section, including, but not limited to, both of the following:



(1) Providing a process to hear appeals from denials of driver's licenses, temporary driver's licenses, or identification cards.

(2) Development of procedures governing the methods used by the department to verify the documentation provided by the applicant pursuant to this section.

SEC. 4. Section 12801.5 of the Vehicle Code is amended to read:

12801.5. (a) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in order for the state to request reimbursement from the federal government.

(b) Notwithstanding Section 40300 or any other provision of law, a peace officer shall not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under the age of 16 years.

(c) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

SEC. 5. Section 12801.8 of the Vehicle Code is amended to read:

12801.8. (a) The department shall develop regulations to establish the validity period of any temporary license issued under Section 12801 and to specify the process by which temporary licenses may be extended or reissued.

SEC. 6. Section 15201.1 is added to the Vehicle Code, to read.

15201.1. Notwithstanding any other provision of law, a commercial driver's license applicant shall include the applicant's social security number in the application.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within





the meaning of Section 6 of Article XIII B of the California Constitution.



Approved \_\_\_\_\_, 2002

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*Governor*

